

Remarks

A. Claims

Claims 12, 21, 24, 30, 31, 33, 35, 39 and 40 have been amended. Claim 34 has been cancelled. Claims 41-46 have been added. Claims 8 – 31, 33, and 35 - 46 are pending in the application.

B. Claim Objections

The Examiner objected to claim 12 because of an informality. Claim 12 has been amended. Applicant respectfully requests the Examiner withdraw the objection to claim 12.

The Examiner objected to claims 21-23 because of an informality. Claim 21 has been amended. Applicant respectfully requests the Examiner withdraw the objection to claims 21-23.

The Examiner objected to claim 34 because of an informality. The Examiner stated: “The applicant indicated that claim 34 is not entered and added identical claim 40. The applicant is respectfully requested to cancel claim 34 when responding to this Office Action.” Applicant respectfully notes that the Advisory Action mailed by the Examiner (dated November 19, 2003) indicated that the amendments to the claims would not be entered. Further, Applicant respectfully notes newly revised 37 C.F.R. 1.121 (which became mandatory on July 30, 2003) provides that claims which have not been entered should be listed without the text of the claim and the label “(not entered)” put next to the claim number. Applicant respectfully points the Examiner to: <http://www.uspto.gov/web/offices/pac/dapp/olla/preognitice/officeflyer.pdf> which details the new guidelines. To expedite prosecution, Applicant has indicated claim 34 is “cancelled”.

C. 35 USC §103 Rejections

The Examiner has rejected claims 8–20, 24-31, and 33 under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. (U.S. Patent 5,774,399) (hereinafter “Fujita”) in view of Inazaki et al. (JP 403083480A) (hereinafter “Inazaki”). Applicant respectfully disagrees with the rejection.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner* et al., 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178

(C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Neither Fujita nor Inazaki disclose, teach, or suggest “a device receiver configured to receive the device, the device receiver having a portion external to the housing, said portion being configured to enable a restraint to engage the opening in the device” as recited in claim 8. Accordingly, Applicant respectfully submits that claim 8 is allowable for at least the above reason. Claims 9–10, 13–20, and 30 are dependent upon claim 8, and are likewise believed to distinguish over the cited art for at least the above reasons.

Furthermore, claims 11, 24 and 25 recite, among others, a similar feature not disclosed, taught, or suggested by Fujita or Inazaki and are thus believed to patentably distinguish over the cited art for at least the above reasons, along with their respective dependent claims 12 and 31, 33 and 26 – 29.

In addition, neither Fujita nor Inazaki disclose, teach, or suggest “wherein the restraint is a padlock” as recited in claim 15. They also do not appear to disclose, teach, or suggest “wherein the restraint is a cable tie” as recited in claim 16 or “wherein the restraint is a wire with a seal” as recited in claim 17. Applicant respectfully notes that these articles do not appear to be mentioned in the cited references. Applicant respectfully asserts claims 15-17 are also allowable for at least the above reasons.

The Examiner has rejected claims 21-23 and 34-40 under 35 U.S.C. 103(a) as being unpatentable over Fujita in view of Bleier (U.S. Patent No. 6,382,508) (hereinafter “Bleier”). Applicant respectfully disagrees with the rejection.

Neither Fujita nor Bleier disclose, teach or suggest “a first portion of larger cross-sectional area, at least partially external to the housing, that defines a protuberance to project from the wall” and “the first portion further comprising a hole formed in the protuberance... for receiving a restraint to engage an opening in the device” as recited in claim 21. Applicant

respectfully submits that claim 21 is allowable for at least the above reason. Claims 22 and 23, dependent upon claim 21, are believed to distinguish over the cited art for at least the above reasons.

Furthermore, claim 40 recites, among others, a similar feature not disclosed, taught, or suggested by Fujita or Bleier, either separately or in combination, and is thus believed to patentably distinguish over the cited art for at least the above reasons.

Neither Fujita nor Bleier disclose, teach, or suggest “a restraint located through at least a portion of the second opening and the first opening when the storage card is inserted into the system housing” as recited in claim 35. Furthermore, as recited in claim 35, the formation has “a second opening external to the system housing (emphasis added).” Applicant respectfully points out that there are no openings for receiving a restraint external to the housing in either Fujita or Bleier. Accordingly, Applicant respectfully submits that claim 35 is allowable for at least the above reason. Claims 36-39, dependent upon claim 35, are believed to distinguish over the cited art for at least the above reasons.

D. New Claims

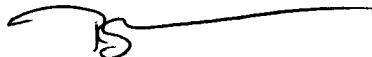
Applicant respectfully submits new claims 41-46 are patentably distinct over the cited art. For example, claim 41, 42, 43, 44, 45, and 46 dependent on claims 8, 11, 24, 25, 21, and 40, respectively, are believed allowable for at least the above reasons.

E. Additional Remarks

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505\5681-03900\BNK.

Respectfully submitted,



B. Noël Kivlin
Reg. No. 33,929
Attorney for Applicant(s)

Meyertons, Hood, Kivlin, Kowert & Goetzel
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8800
Date: June 7, 2004